

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 426 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
2. To be referred to the Reporter or not? : YES
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

SAVITABEN VASANTLAL PATEL

Appearance:

MR HARDIK C RAWAL for Petitioner

MR VIJAY H PATEL for Respondent No. 1

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 09/05/2000

ORAL JUDGEMENT :

Rule. Mr.Vijay H. Patel for respondent no.1
waives service of the rule.

2. The petitioner, Gujarat State Road Transport Corporation ("the Corporation" for brevity) has filed the present petition challenging the judgement and award

passed by the Industrial Tribunal (Gujarat), Nadiad ("the Tribunal" for brevity) in Reference (ITN) (New) No.690 of 1998 and Reference (IT) (Old) No.97 of 1988 dated 19th July 1999, whereby the learned Tribunal has allowed the reference of Savitaben Vasantlal Patel, a Lady Welfare Instructor, ordering that the Corporation shall treat the workman as permanent with effect from 1.1.1986 and that her salary shall be fixed adding two annual increments and that her gratuity shall be paid with effect from 1.1.1975.

3. Mr.Hardik C. Raval, the learned advocate for the petitioner, Corporation submitted that the respondent workman was working only as a part time worker and that she was not entitled for the benefits of regularisation. Mr.Raval also submitted that the Tribunal has erred in granting the benefits from 1.1.1986, while the respondent workman had approached the Tribunal only in 1987. So far as the first contention of Mr.Raval, the Tribunal has categorically found that looking to the nature of the duties discharged by the respondent workman, the same were in the nature of full time employment. Therefore, there is no question of the respondent workman working as a part timer. So far as the second contention raised by Mr.Raval is concerned, there seems to be some substance. When the workman has approached the Tribunal in 1987, the normal practice is to grant relief only from the date of approaching the forum for redressal of his/her grievance. To that extent the judgement and award of the Tribunal is modified. Instead of 1.1.1986, the date of filing of the reference shall be substituted and the respondent workman shall be paid all the benefits from that date only. The petitioner corporation shall comply with the judgement and award of the Tribunal at the earliest, but in no case later than three months from the date of receipt of writ of this Court.

3. The petition is allowed to the aforesaid extent only. Rule is made absolute. No order as to costs. Direct services is permitted.

9th May 2000 (Ravi R. Tripathi, J.)

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